



8011-01

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-86414; File No. SR-NYSEArca-2019-38]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendments No. 1 and No. 2, Regarding Investments of the Aware Ultra-Short Duration Enhanced Income ETF

July 19, 2019.

On May 15, 2019, NYSE Arca, Inc. (“Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (“Act”)<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> a proposal to change the listing rule applicable to shares of the Aware Ultra-Short Duration Enhanced Income ETF, a series of the Tidal ETF Trust. The proposed rule change was published for comment in the Federal Register on June 4, 2019.<sup>4</sup> On July 8, 2019, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and superseded the original filing in its entirety. On July 10, 2019, the Exchange filed Amendment No. 2 to the proposed rule change, which amended the proposed rule change as modified by Amendment No. 1. The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act<sup>5</sup> provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute

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<sup>1</sup> 15 U.S.C.78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> See Securities Exchange Act Release No. 85955 (May 29, 2019), 84 FR 25863.

<sup>5</sup> 15 U.S.C. 78s(b)(2).

proceedings to determine whether the proposed rule change should be disapproved. The 45<sup>th</sup> day after publication of the notice for this proposed rule change is July 19, 2019. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposal. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>6</sup> designates September 2, 2019, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-NYSEArca-2019-38), as modified by Amendments No. 1 and No. 2.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

Jill M. Peterson,  
Assistant Secretary.

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<sup>6</sup> Id.

<sup>7</sup> 17 CFR 200.30-3(a)(31).

